

Message Text

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TAGS: EINV, OECD
SUBJECT: APRIL 12-13 MEETING OF COMMITTEE ON INTER-
NATIONAL INVESTMENT AND MULTINATIONAL ENTERPRISES (CIME)

REF: PARIS 12080

1. SUMMARY: APRIL 12-13 MEETING OF CIME MADE HEADWAY
ON NUMBER OF IMPORTANT AGENDA ITEMS, DESPITE AT TIMES
TEDIOUS WRANGLING OVER PROCEDURE. AS ANTICIPATED, VON
DEWITZ OF GERMANY WAS ELECTED CIME CHAIRMAN WHO, SOMEWHAT
HESITANT AT OUTSET, BEGAN TO EXERT NECESSARY CONTROL OVER
DELIBERATIONS BY END OF MEETING. U.S. ACCOMPLISHED KEY
OBJECTIVE OF ESTABLISHMENT OF SEPARATE SUB-GROUP ON
NATIONAL TREATMENT WHICH WILL BE CHAIRED BY DUTCH DELE-
GATE, GAUTIER. INCLUSION OF INCENTIVE AND DISINCENTIVES
PROVED IMPOSSIBLE AND PRELIMINARY EXCHANGE OF VIEWS ON
SUBJECT INDICATES THAT A FULL DISCUSSION OF THIS PART OF
INVESTMENT PACKAGE BEFORE 1979 REVIEW WILL BE RESISTED
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BY A LARGE NUMBER OF DELEGATIONS. WHILE GROUP RECON-
FIRMED DESIRABILITY OF OECD DOING "SOMETHING" ON HARMONI-
ZATION OF ACCOUNTING STANDARDS AND IMPLICITLY ADOPTED
IDEA OF SUB-GROUP, AGREEMENT ON TERMS OF REFERENCE
DEFERRED UNTIL NEXT CIME MEETING IN JULY WHEN REVISED
U.S. PAPER, BASED ON MEETING COMMENTS WILL PRESUMABLY
HAVE BEEN THOROUGHLY VETTED BY OTHER DELEGATIONS AND

SECRETARIAT. A NUMBER OF ISSUES REFERRED TO CIME AD HOC WORKING GROUP INCLUDING ISSUES RAISED BY BIAC AND TUAC DURING APRIL 11 CONSULTATIONS (REFTEL) AND PROCEDURES FOR MORE FREQUENT, INFORMAL CONTACTS WITH THESE TWO GROUPS. NEXT MEETING FULL CIME SCHEDULED FOR JULY 3-4, 1978. THE AD HOC WORKING GROUP WILL MEET JUNE 29-30 WHILE NEW NATIONAL TREATMENT SUB-GROUP WILL HOLD ITS FIRST MEETING JUNE 6 AND 7. END SUMMARY

NATIONAL TREATMENT

2. SUB-GROUP ON NATIONAL TREATMENT: AFTER ALMOST A FULL DAY'S DEBATE CIME AGREED TO ESTABLISH A TEMPORARY WORKING GROUP ON NATIONAL TREATMENT. GROUP'S MANDATE INCLUDES FOLLOWING TASKS:

(A) REVIEW AND AMEND IME(78)2 TO SHAPE IT INTO INTERIM REPORT OF CIME ON EXCEPTIONS TO NATIONAL TREATMENT;

(B) PURSUE AREAS WHERE SPECIFIC GAPS IN INFORMATION EXIST, IN PARTICULAR IDENTIFIED IN IME(78)2 CONCERNING ADMINISTRATIVE PRACTICES AND SCREENING MECHANISMS;

(C) IDENTIFY TYPES OF EXCEPTIONS HAVING GREATEST IMPACT ON INTERNATIONAL INVESTMENT USING, AS NECESSARY, RESULTS OF CONTACT WITH BUSINESS AND LABOR ORGANIZATIONS;
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(D) PREPARE EXAMINATION PURSUANT TO PARAGRAPH 4 OF MINISTERIAL DECISION ON NATIONAL TREATMENT; AND,

(E) REPORT TO THE CIME ON FINDINGS AS AND WHEN APPROPRIATE.

3. THERE WAS GENERAL AGREEMENT AMONG MAJOR OECD COUNTRIES ATTENDING INFORMAL CIME BUREAU DINNER APRIL 10 ON NEED FOR SUBGROUP ON NATIONAL TREATMENT. THIS WAS ACHIEVED ONLY AFTER THREATENING NOT TO SUPPORT CONTINUATION OF LEVY AD HOC SUB-GROUP. HOWEVER, THERE WAS ABSOLUTELY NO SUPPORT FOR INCLUDING INCENTIVES/DISINCENTIVES IN THIS WORKING GROUP AND U.S. DEL. ACCEPTED CONCEPT OF GROUP DEALING ONLY WITH NATIONAL TREATMENT. IN INITIAL DISCUSSION OF NATIONAL TREATMENT AT CIME MEETING, UK

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SUGGESTED SEPARATE WORKING GROUP AND WAS SUPPORTED BY U.S., CANADA, SWITZERLAND, SWEDEN AND BELGIUM. WITH EXCEPTION OF BELGIUM, ALL WERE PRESENT AT BUREAU DINNER. WHILE THERE WAS GENERAL RECOGNITION THAT THE TASKS BEFORE THE FULL COMMITTEE WERE FAR TOO GREAT GIVEN THE TIME AVAILABLE, SMALL NATIONS (AUSTRALIA, NORWAY, FINLAND, AUSTRIA) AND FRANCE QUESTIONED NEED FOR SUCH A GROUP, CITING SUCH REASONS AS LACK OF CLEAR-CUT TERMS OF REFERENCE (AUSTRALIA) TO LACK OF TRAVEL FUNDS TO ATTEND MEETING OF SUBGROUP (FINLAND).

AFTER CIME CHAIRMAN SUGGESTED POSSIBLE TERMS OF REFERENCE, CANADIAN DEL FOUND ITSELF UNCOMFORTABLY SUGGESTING COMPROMISE LANGUAGE FOR TERMS OF REFERENCE FOR NATIONAL TREATMENT WORKING GROUP. CANADIANS HAD BEEN OPPOSED INITIALLY AT APRIL 10 DINNER. U.S. DEL (MEISSNER) MADE STRONG STATEMENT ON NEED FOR BALANCED TREATMENT OF ALL ASPECTS OF 1976 INVESTMENT PACKAGE AND IMPACT OF CIME FAILURE TO CREATE A NATIONAL TREATMENT GROUP WOULD HAVE LIMITED OFFICIAL USE

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ON FURTHER CIME SUBGROUP ACTIVITIES ON THE GUIDELINES, ACCOUNTING STANDARDS AND OTHER ISSUES. CIME WAS FINALLY ABLE TO ACCEPT CREATION OF NATIONAL TREATMENT SUBGROUP

WITH UNDERSTANDING THAT FINNISH SUPPORT WAS AD REFER-
ENDUM. DUTCH DEL (GAUTIER) WAS ELECTED TO HEAD NEW SUB-
GROUP. (FINNISH INFORMED U.S. ON THURSDAY THAT THEY HAD
RECEIVED ACCEPTANCE FROM CAPITAL.)

4. DERESTRICTION OF IME(78)2: WHILE COMPLEMENTING
SECRETARIAT ON NATIONAL TREATMENT DOCUMENT (IME(78)2),
MOST DELS INDICATED PROBLEMS WITH INCOMPLETE SUBMISSIONS
ON EXCEPTIONS, GAPS IN EXISTING SUBMISSIONS AND NEED FOR
FURTHER TRANSPARENCY ON KEY ISSUES OF ADMINISTRATIVE
PRACTICES AND SCREENING PROCEDURES AND ON ISSUE OF
EXTENDING PRINCIPLE OF NATIONAL TREATMENT. THERE WAS
FURTHER DISCUSSION OF THE NEED TO IDENTIFY THOSE NATIONAL
TREATMENT ISSUES WHICH HAVE SERIOUS IMPACT ON INTER-
NATIONAL INVESTMENT FLOWS. WHILE THERE WAS GENERAL SUP-
PORT FOR U.S. CALL FOR DERESTRICTION OF IME(78)2, MOST
DELS FELT DOCUMENT REQUIRED FURTHER "CLEANING-UP" BEFORE
BEING DERESTRICTED. HOWEVER, CIME REACHED UNDERSTANDING
THAT IN INTERIM, GOVERNMENTS ARE FREE TO UTILIZE
IME(78)2 IN PRESENT FORM WITH NON-GOVERNMENTAL GROUPS
AS LONG AS IT IS CLEARLY CITED AS A DRAFT DOCUMENT.

AD HOC WORKING GROUP ON MNE GUIDELINES (LEVY GROUP)

5. FUTURE CONTACTS WITH ADVISORY GROUPS: DISCUSSION
OF REPORT (IME(78)1) OF AD HOC WORKING GROUP ON TUAC
CASES (CHAIRER BY PHILIPPE LEVY OF SWITZERLAND) EVOLVED
INTO WIDER DISCUSSION OF NATURE OF FUTURE CONTACTS BY
CIME WITH TWO ADVISORY GROUPS, BIAC AND TUAC. CIME
DECIDED THAT THERE SHOULD BE MORE FREQUENT, MORE INFORMAL
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CONSULTATIONS WITH BIAC AND TUAC ON MNE GUIDELINES AND
THAT THESE CONTACTS SHOULD BE HANDLED IN LEVY SUBGROUP.
SUCH CONTACTS, HOWEVER, WOULD BE IN ADDITION TO THE MORE
FORMAL ONES WITH CIME ANNUALLY, AS PROVIDED UNDER MINI-
STERIAL DECISION. DETAILS OF PROCEDURES FOR CONTACTS
(THE FIRST OF WHICH WOULD NOT BE HELD BEFORE FALL 1978)
LEFT TO LEVY GROUP. DISCUSSION IMPLICITLY RECOGNIZED
THAT LEVY GROUP WOULD PLAY IMPORTANT ROLE IN PREPARATION
FOR FORMAL REVIEW OF GUIDELINES SECTION OF INVESTMENT
PACKAGE. WHILE U.S. DEL AGREED THAT MORE FREQUENT CON-
TACTS WITH BIAC AND TUAC COULD TAKE PLACE IN FRAMEWORK
OF LEVY GROUP, HE EMPHASIZED THAT LEVY GROUP SHOULD INI-
TIAL MEETINGS AND NOT VICE VERSA BECAUSE BIAC AND TUAC
ARE ONLY ADVISORY GROUPS AND CIME DOES NOT SERVE
AT THEIR REQUEST. ISSUES RAISED BY TUAC DURING APRIL 11
CONSULTATIONS AND CONCERNS EXPRESSED BY BIAC ON DISCLO-
SURE OF INFORMATION SECTION OF GUIDELINES (REFTEL) WERE
ALSO REMANDED TO LEVY GROUP FOR INITIAL DISCUSSION.

QUESTION OF POSSIBLE DERESTRICTION OR OTHER DISPOSITION
OF REPORT OF LEVY GROUP ON "OLD" TUAC CASES LEFT IN LIMBO
FOR TIME BEING SINCE SEVERAL DELEGATIONS (SWEDES, NORWE-
GIANS, DUTCH, AUSTRIANS, BELGIANS) URGED THAT IT BE
AMENDED, WHILE OTHERS LED BY U.S. FELT ANY WIDER CIRCUL-
ATION INAPPROPRIATE AT THIS TIME.

6. FACT-FINDING UNDER THE GUIDELINES: WHILE GROUP COM-
PLEMENTED DUTCH DELEGATION ON "INTERESTING" AND "USEFUL"
PAPER (IME(78)4), SUGGESTING FORMAL FACT-FINDING PROCE-

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DURE FOR CASES UNDER GUIDELINES, OBVIOUS THAT EVERYONE
BUT DUTCH RELUCTANT TO GET INTO THIS POTENTIAL HORNET'S
NEST. NUMEROUS DELEGATES, INCLUDING U.S., CITED TREMEN-
DOUS COMPLEXITY OF SUCH A PROCEDURE, ITS QUASI-JUDICIAL
NATURE WHICH COULD TURN CIME INTO TRIBUNAL AND IRREPARABLY
DAMAGE CIME REPUTATION AS WELL AS AGGRAVATING DIFFERENCES
AMONG DELEGATIONS. BEST DUTCH WERE ABLE TO OBTAIN WAS
CONSENSUS THAT LEVY SUB-GROUP WOULD BE ASKED TO TAKE FACT-
FINDING "INTO CONSIDERATION" IN ITS DELIBERATIONS.

INCENTIVES/DISINCENTIVES

7. DESPITE LATE HOUR AND LIMITED TIME AVAILABLE FOR DISCUSSION, EXCHANGE ON INCENTIVES/DISINCENTIVES AND PERFORMANCE REQUIREMENTS TOOK PLACE AMONG THE MEMBERS AND U.S. DISTRIBUTED PAPER ON THIS SUBJECT TO CIME. (MORE EXTENSIVE U.S. DOCUMENT WITH COUNTRY-BY-COUNTRY ANALYSIS PRESENTED TO SECRETARIAT WHO PROMISED TO MAKE IT AVAILABLE TO INTERESTED DELS ON REQUEST.) U.S. DEL LIMITED OFFICIAL USE

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INDICATED THAT U.S. OBJECTIVE NEITHER TO EXPAND NOR REVISE MINISTERIAL DECISION ON INTERNATIONAL INVESTMENT INCENTIVES AND DISINCENTIVES, BUT TO OBTAIN A CLEARER UNDERSTANDING OF HOW THOSE MEASURES FUNCTION IN THE INVESTMENT PROCESS AND TO OPEN DISCUSSION. U.S. DEL SAID (A) WE HOPED OTHER COUNTRIES' WOULD COMMENT ON THE ACCURACY OF U.S. DESCRIPTION OF INCENTIVES/DISINCENTIVES/ PERFORMANCE REQUIREMENTS AND (B) WE DID NOT INTEND TO FOLLOW A CASE-BY-CASE APPROACH. OTHER DELS REACTION SWIFT AND PREDICTABLE. UK DEL SAID U.S. PAPER AND ITS EFFORT TO OBTAIN OTHER COUNTRY COMMENTS WENT BEYOND BOUNDS OF CIME MANDATE, THAT REGIONAL INCENTIVES NOT IN PURVIEW OF MINISTERIAL DECISION AND THAT WORK ON THIS ISSUE UNDERWAY IN OTHER PARTS OF THE OECD (CAPITAL MOVEMENTS CODE AND INDUSTRY COMMITTEE). SWEDEN (LEANDER) CITED DIFFERENCE IN CHARACTER OF DECISIONS ON NATIONAL TREATMENT AND INCENTIVES/DISINCENTIVES; AND ADDED THAT SECRETARIAT CANNOT SEEK INFORMATION FROM MEMBER COUNTRIES ON LATTER. FRG (SHELLE) SAID U.S. PAPER GOOD EXAMPLE OF WHY CIME SHOULD NOT DEAL WITH ISSUE AND NOTED THAT IMF/IBRD DEVELOPMENT COMMITTEE COULD NOT REACH UNDERSTANDING OF NET IMPACT OF INCENTIVES. JAPAN, CANADA AND AUSTRIA FOLLOWED UK LEAD.

8. PER INSTRUCTIONS, USDEL SAID THAT IN LIGHT OF OPPOSITION TO DISCUSSION OF INCENTIVES, US WAS CALLING FOR CONSULTATIONS UNDER THE DECISION ON INTERNATIONAL INVESTMENT INCENTIVES AND DISINCENTIVES, BECAUSE IT CONSIDERED THAT ITS INTERESTS WERE ADVERSELY AFFECTED BY PATTERN OF INCENTIVES AMONG OECD MEMBER COUNTRIES. US CALL FOR CONSULTATIONS SURPRISED SECRETARIAT AND OTHER DELS. UKDEL SUGGESTED THAT US PURSUE THESE CONSULTATIONS BILATERALLY AND USE AS THE BASIS THE 1979 LIMITED OFFICIAL USE

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FORMAL REVIEW OF INVESTMENT PACKAGE. SWEDISH DEL SAID HE DID NOT BELIEVE THAT CONDITIONS FOR CONSULTATIONS

UNDER THIS DECISION HAD BEEN MET IN THIS CASE. US
NOTED AND RECEIVED CONSENT THAT FURTHER DISCUSSION OF
ISSUE WILL BE ON AGENDA FOR SUMMER CIME MEETING.

ACCOUNTING STANDARDS

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9. ACCOUNTING STANDARDS: WHILE AGREEING IN PRINCIPLE
TO SOME ACTIVITY ON HARMONIZATION OF ACCOUNTING STAN-
DARDS IN OECD AND UNDER CIME AEGIS, MAJORITY OF DELE-
GATES SEEMED TO FAVOR MORE "CAUTIOUS" APPROACH TO ISSUE
AS OUTLINED IN SECRETARIAT PAPER (IME(78)7) RATHER THAN
THAT IN US PAPER (IME(78)6). AFTER EXTENDED AND UNPRO-
DUCTIVE DISCUSSION (DURING WHICH SWEDISH ATTEMPT TO
MAKE ISSUE PART OF REVIEW OF DISCLOSURE OF INFORMATION
SECTION OF GUIDELINES WAS REBUFFED), US AGREED TO
AMEND ITS PAPER TAKING INTO ACCOUNT COMMENTS OF OTHER
DELEGATIONS AND TO CIRCULATE IT ASAP FOR CONSIDERATION
BY OTHER DELEGATES. REDRAFTED TERMS OF REFERENCE
PAPER MAY BE DISCUSSED ON FRINGES OF TNC COMMIS-
SION MEETING AT END OF MAY IN VIENNA AND AT PERMANENT
DELEGATION LEVEL AT OECD AND FINAL RESOLUTION WILL
BE MADE AT JULY CIME MEETING. OTHER DELEGATIONS WERE

INVITED TO SUBMIT IDEAS IN WRITING TO SECRETARIAT, IF
THEY DESIRED.
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OTHER MATTERS

10. RESTRICTIVE BUSINESS PRACTICES: IN BRIEF DISCUS-
SION OF REPORT OF COMMITTEE OF EXPERTS ON RESTRICTIVE
BUSINESS PRACTICES OF MNE'S (IME(78)2), OBJECTIONS BY
CANADA, UK AND NETHERLANDS TO SOME OF REPORT'S
RECOMMENDATIONS PREVENTED CIME FROM GOING FURTHER THAN
RECOGNIZING THAT DISCUSSION ON THIS TOPIC IS UNDERWAY
IN RBP COMMITTEE AND EMPHASIZING THE GREAT IMPORTANCE
CIME ATTACHES TO THIS WORK IN RBP COMMITTEE.

11. REPORT OF INFORMAL CONTACT GROUP ON UN TNC CODE.
LACK OF TIME AND FACT THAT CONTACT GROUP WOULD MEET
AGAIN NEXT DAY (APRIL 14) LED TO VERY BRIEF SUMMARY
OF RECENT ACTIVITIES IN UN. SWISS SUGGESTED THAT
ISSUES OF ICSID; WORK ON INVESTMENT IN JOINT
IMF/IBRD DEVELOPMENT COMMITTEE, AND FOLLOW-UP ON ILO
DECLARATION OF PRINCIPLES; BE DISCUSSED BY CONTACT
GROUP. HOWEVER, LED BY SECRETARIAT AND UK, CIME OPTED
FOR FULL EXCHANGE OF VIEWS ON FIRST TWO ISSUES IN
CIME BECAUSE OF THEIR IMPORTANCE. THEY WERE PLACED
ON AGENDA FOR JULY MEETING. (USDEL TOOK POSITION
THAT IT DID NOT MATTER WHERE DISCUSSION TOOK PLACE
AS LONG AS IT DID TAKE PLACE.) DISCUSSION OF
ILO FOLLOW-UP WILL TAKE PLACE AT LATER DATE.

12. FURTHER CONTACTS WITH PRESS: CHAIRMAN ANNOUNCED
ON LAST DAY THAT SEVERAL WIRESERVICES HAD INDICATED
INTEREST IN MEETING WITH HIM AFTER MEETING. HE POINTED
OUT THAT PRESS INTEREST WAS CENTERED ON CONTACTS WITH
ADVISORY GROUPS. AFTER OBTAINING CIME CONSENSUS THAT
IT WOULD BE INADVISABLE TO BRIEF PRESS ON DECISIONS
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TAKEN VIS-A-VIS BIAC AND TUAC PRIOR TO CONTACTING
THESE GROUPS, CHAIRMAN ANNOUNCED HIS DECISION NOT TO
MEET WITH PRESS AFTER MEETING.

13. CALENDAR OF FUTURE MEETINGS. NEXT CIME MEETING
SCHEDULED FOR JULY 3-4, 1978 WITH THE AD HOC WORKING
GROUP TO PROCEED IT ON JUNE 29-30. NEW NATIONAL

TREATMENT SUB-GROUP WILL MEET JUNE 6-7, 1978.
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